

**Town of Kinderhook
Planning Board Workshop
3211 Church Street
Valatie, NY 12184
September 10, 2015**

Approved 10/15/15

Minutes

The Town of Kinderhook Planning Board met on Thursday, September 10, 2015, at 7:00pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The Chairman called the workshop to order and the secretary called the roll.

A. Roll Call

Present:

Peter Haemmerlein, Chairman
Andy Howard, Town Attorney
Patrick Prendergast, Engineer
William Butcher
Chris Simonsen
Guy Rivenburgh
Jason Graham
Dale Berlin
Jonathan Cavagnaro
Dan Weiller, Alternate
Nataly Dee, Secretary

Excused:

Jake Samascott

Absent:

B. Correspondence

1. Review of Minutes:

August 20, 2015 - Meeting;

Pending approval at next month's meeting. Minor spelling corrections were noted.

2. Correspondence from the Building Department

Correspondence was received from the Building Department asserting that the work required at the ELLE-KAZ properties has been completed and the Certificates of Occupancy have been issued (on file). The Chairman read the letter. Mr. Prendergast stated that the paving of the road has been completed and the drainage work has been done. The question before the board is has the project been satisfactorily completed and can the remaining funds in held in escrow be released at this time. If all is in order a motion can be made next week to make a recommendation to the Town Board to release the funds.

C. Public Hearings

1. CaroVail, 831 CR 28, Niverville – Site Plan Review – Scheduled for Thursday, September 17, 2015 at 7:05pm;

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No one was in attendance to represent this application. The application is on the County Planning Board's agenda. Mr. Simonsen questioned whether the work to the road regarding the culverts would be the responsibility of the Highway Department or the applicant.

D. Old Business

1. ELLE-KAZ, Orinsekwa Road – Major Subdivision;

This item was addressed earlier in the meeting.

2. Marcel St Onge /Old Kinderhook Self -Storage, Route 9, Valatie – Site Plan Review;

Mr. VanAlstyne addressed the board and distributed plans. He reviewed the list of items that needed to be addressed: the number, location and pattern of lights and cut sheet of lighting, DEC permit, deed language on easement, DOT review, building materials. The Notice of Intent was submitted, a few changes were suggested, but full comments are still pending. SWPP needs to be submitted for review. A letter from DOT was submitted (on file). The final sheet of the plans shows the building elevations. Page 2 shows the lighting. Lighting is set under the eaves which are 10'. Mr. Predergast asked if there is a key to the light contours. He suggested that the lights could be distributed so as to have half on one side of the building and half across the aisle on the opposite building. There is a concern about the light spilling beyond the property. It is the other self-storage property, but there is future potential impact. The ones shining onto the other property should be toned down or re-angled so that they would not spill out. The drainage plan was reviewed. There is a proposed drainage trench around the perimeter. Overflow would go into a holding basin. Carl Matuszek can contact Mr. Prendergast for further review.

The building elevations were reviewed. There is access on both gabled ends of the building. A discussion ensued about whether there would be doors on both side elevations of each building. This might cause a conflict with the drainage ditch location. Each building will have to be designed according to the site plan. Each building will be of a slightly smaller design according to the location on the site and the distance from the drainage ditch. Each unit should be numbered and the corresponding number be indicated on the plans. Section 250-33H4h of the code was reviewed regarding the roofline which states that longer than 80' has to have a break. Mr. Haemmerlein commented about the view shed, noting that these buildings will not be seen from the road and it is impractical to require that of the applicant in this situation, as it would be onerous and overbearing. The code allows for some degree of flexibility on design manners. Mr. Rivenburgh noted that the design should be consistent with the existing units.

Landscaping was addressed. Mr. VanAlstyne stated that there will be a 6' privacy chain link fencing on the rear and south sides of the property. Mr. St. Onge indicated he would eventually like to have the entire area enclosed. The board felt there should be landscaping between Dollar General and this property. Mr. VanAlstyne noted that without a parking requirement there was no way to calculate the percentage of landscaping required. Design standards were discussed, the board was in agreement that screening was the important issue.

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A motion to set a public hearing and to refer the project to County Planning could be entertained next week.

3. 7th Day Adventists – Route 9, Valatie – Site Plan Amendment;

Representatives of the church addressed the board and distributed plans for the board's review. Mr. Colon stated that the church has three issues to discuss with the board: the paving of the parking area, the landscaping and the lighting. He stated that they will not be able to move in and open the doors before the end of the year if they are not able to postpone the paving of the parking lot until next year. Maud and Joslin Celestin, representatives of the church were also in attendance. The board noted that the Building Department could issue a temporary Certificate of Occupancy for a period of 6 months, which could, if necessary be renewed. This would allow them to open their doors before the parking area paving was complete. It was also noted that paving is a seasonal operation and is not possible from October through April. The paving and landscaping could be completed next spring.

The church is also appealing for a reduction in the amount and type of light from what was originally approved. They are proposing using LED lights on four polls instead of the original eight. The height of the polls was discussed. It would be an acceptable modification if the lights provided similar lumens as the original proposal. The representatives of the church stated that they would meet whatever requirements the board the decided. The board recommended that they have a conversation with their bank to make sure the proposal is acceptable to them. They indicated that they had spoken with the bank and they the proposal was acceptable to them as well.

The matter of the paving and landscaping is really an issue for the Building Department; this board can make a favorable recommendation to them. The matter of the lighting is really what the Planning Board needs to review. If the electrician has questions, he can contact the Town Engineer.

It was asked if there would be any liability to the town if a temporary Certificate of Occupancy was issued. Mr. Howard noted that there are provisions for that in that the C of O is *temporary* and can be revoked if the work is not completed. Mr. Berlin mentioned provision in the code specifically for churches that stipulate that drives do not need to be paved, and that he is in favor of the proposal.

E. New Business

1. Frank and Kathleen Eschberger, 63 Oak Leaf Drive Stuyvesant – Accessory Apartment;

No one was in attendance to represent this proposal.

2.Kyle Mitchison, County Route 32 – Minor Subdivision;

Mr. VanAlstyne addressed the board and distributed plans. He explained the proposal which is a three lot subdivision that falls within the towns of Kinderhook and Schodack. Schodack will allow one flag lot per frontage of the land. There are no building being proposed in the town of Kinderhook. The road frontage is the main issue for this board. Jim Everett has given verbal approval for road cuts, they are still waiting for written approval. The septic systems will need to be reviewed by Schodack. Only

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one lot will be accessed from each curb cut on the road. The Schodack Planning Board will be the lead agency on the project. After Schodack's review and approval, a public hearing could be set. Timing?

3. Richard Bianchi, 262 & 240 Hennett Road, Valatie – Minor Subdivision/Lot Line Adjustment

Mr. VanAlstyne addressed the board and distributed plans for review. The properties in question were previously approved subdivision. Mr. VanAlstyne stated that Mr. Bianchi built a tree fort for his son; however, unfortunately it is on the land of the neighbor, Mr. Herzig. Mr. Bianchi would like to purchase a small area of Mr. Herzig's property, which would be conveyed through a lot line adjustment to solve the problem. A public Hearing will need to be held.

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards: Nothing to report

2. Town Board: Meets next week. Mr. Simonsen agreed to attend and provide a report.

H. Other

1. Public Comment

Further discussion ensued regarding the process of approving the amendment for the 7th Day Adventists regarding the lighting. Plans showing the proposed location of the lights and the design should be submitted. A vote can be taken to amend the site plan and advise the building department.

A brief discussion ensued regarding Club Life violations. They will be contacted by the Building Department.

Mr. Berlin made a motion to adjourn. Mr. Rivenburgh seconded the motion. All in favor. Motion carried; meeting adjourned at 8:30pm.

Respectfully submitted,

Nataly Dee, Secretary